

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

07 CIV 10305

ROSEANN SLOMOWITZ,

Plaintiff,

-against-

RYDER TRUCK RENTAL, INC., and  
EDMUND T. JACKSON,

Defendants.

COMPLAINT

JUDGE ROBINSON

Plaintiff demands  
trial by jury.

FILED  
U.S. DISTRICT COURT  
2007 NOV 14 A 11:58  
S.D. OF N.Y. W.P.

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The Plaintiff, ROSEANN SLOMOWITZ, complaining of the defendants by her attorney, KEVIN D. MOLONEY, Esq., alleges upon information and belief:

FIRST: That at all times mentioned herein, the plaintiff, ROSEANN SLOMOWITZ, was and still is a citizen and resident of the State of New York.

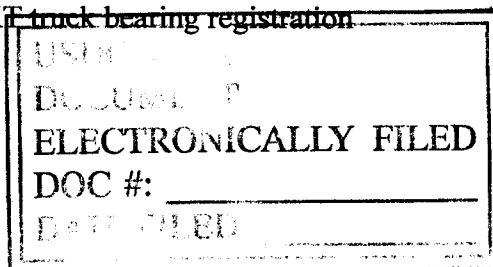
SECOND: That at all times mentioned herein, defendant RYDER TRUCK RENTAL, INC., was and still is a corporation authorized and existing under the laws of the State of Florida.

THIRD: That at all times mentioned herein, defendant RYDER TRUCK RENTAL, INC., was and still is a corporation having its principal place of business in the State of Florida.

FOURTH: That at all times mentioned herein, defendant EDMUND T. JACKSON was and still is a citizen and resident of the State of Connecticut.

FIFTH: That the amount in controversy herein exceeds the sum of \$75,000.00 exclusive of interest and costs.

SIXTH: That at all times mentioned herein, defendant, RYDER TRUCK RENTAL, INC. was the owner of a 2000 MCKE truck bearing registration number 37456A issued by the State of Connecticut.



SEVENTH: That at all times mentioned herein, defendant EDMUND T. JACKSON operated that 2000 MCKT truck.

EIGHTH: That at all times mentioned herein, defendant EDMUND T. JACKSON operated that 2000 MCKT truck with the permission and consent of the owner.

NINTH: That at all times mentioned herein, the plaintiff, ROSEANN SLOMOWITZ, was the owner and operator of a 1998 Mercedes Benz motor vehicle bearing registration number CEF7674 issued by the State of New York.

TENTH: That at all times mentioned herein, the New York State Thruway, near Nyack, New York, was and still is a public highway in the State of New York.

ELEVENTH: That on February 24, 2006 the defendants then and there operated their motor vehicle in such a reckless, careless, dangerous and negligent manner as to cause their vehicle to collide with the plaintiff's vehicle, causing the plaintiff, ROSEANN SLOMOWITZ, to sustain personal injuries.

TWELFTH: That the aforesaid occurrence and the injuries and damages resulting to the plaintiff, ROSEANN SLOMOWITZ, therefrom were caused by reason of the negligence of the defendants.

THIRTEENTH: The defendants were negligent in owning, operating and controlling their motor vehicle in a reckless, careless and dangerous manner; in failing to exercise a reasonable and proper degree of care in the operation and control of their motor vehicle; in traveling at an excessive rate of speed, under the circumstances; in failing to keep to the right; in failing to operate their vehicle in the correct lane of traffic; in failing to keep and maintain their motor vehicle under reasonable and proper control; in failing to keep a reasonable and careful lookout for other vehicles; in failing to equip and maintain their motor vehicle with steering, brakes, tires, signaling and warning devices in good and safe working condition; in failing to proceed safely and with due regard for other vehicles on the road; in failing to stop; in failing to avoid a collision; in failing to yield to the plaintiff's vehicle; and in failing to obey the laws, statutes, ordinances, rules and regulations applicable under the circumstances.

FOURTEENTH: That as a result of the foregoing and the negligence of the defendants, the plaintiff, ROSEANN SLOMOWITZ, was injured.

FIFTEENTH: That the limitations on liability imposed by Article 16 of the Civil Practice Law and Rules of the State of New York do not apply to this cause of action because the cause of action sued upon herein arose by reason of the operation, use and/or ownership of motor vehicles.

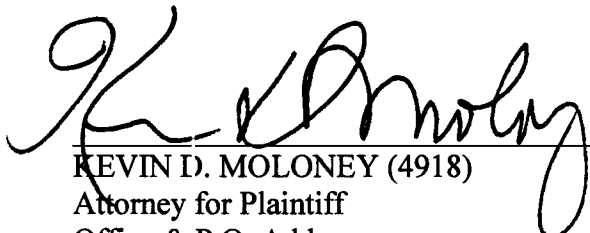
SIXTEENTH: This action is not barred by the Comprehensive Automobile Insurance Reparations Act of the State of New York by reason of the fact that the plaintiff, ROSEANN SLOMOWITZ, sustained a serious injury as defined in Section 5102 of the Insurance Law of the State of New York.

SEVENTEENTH: That the amount of damages sought herein by the plaintiff exceeds the jurisdictional limits of all courts which would otherwise have jurisdiction over this action.

EIGHTEENTH: That by reason of the foregoing, the plaintiff has been damaged by the defendants in the sum of \$500,000.00.

WHEREFORE, the plaintiff, ROSEANN SLOMOWITZ, demands judgment against the defendants, RYDER TRUCK RENTAL, INC., and EDMUND T. JACKSON, in the sum of \$500,000.00; together with costs, disbursements and interest.

DATED: Scarsdale, New York  
October 25, 2007

  
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